

October 4, 2016

Via E-Mail

John Sagone
Illinois Commerce Commission
160 N. LaSalle Street, Suite C-800
Chicago, Illinois 60601
jsagone@icc.illinois.gov

RE: Nicor Gas Company's Comments to Draft e-Tariff Rule

Dear Mr. Sagone:

On behalf of Northern Illinois Gas Company d/b/a Nicor Gas Company ("Nicor Gas" or the "Company"), and in response to the follow-up issues identified in your e-mail dated September 23, 2016, please find below the Company's comments on the Illinois Commerce Commission ("Commission") Staff's draft rule for Public Utility Electronic Tariff Filing dated June 2, 2016 ("Draft e-Tariff Rule").

1. Definitions

- a. Delete definition of "Schedule" as it is not used in the Draft e-Tariff Rule.
- b. Add definition for "Letter of Transmittal" as used in 83 Illinois Administrative Code Section 255.30(l). In addition, for the sake of clarity, replace any references to "cover letter" with "letter of transmittal".

2. Tariff Withdrawal

- a. Nicor Gas submits that the Draft e-Tariff Rule should be revised to clarify that a tariff withdrawal is to be handled in the same manner as the initial electronic filing of the same tariff.

3. Filing Date / Acceptance Date / Effective Date

- a. Submittal Deadline and Timely Acceptance: Nicor Gas notes that this issue seemed to be one of the biggest sticking points at Workshop No. 1 on the Draft e-Tariff Rule and, indeed, was difficult to pin down even after much discussion. Under these circumstances, Nicor Gas submits that it would be preferable to include a definitive filing time in the Draft e-Tariff Rule that would guarantee

acceptance from the Chief Clerk's Office on the date of filing. Nicor Gas proposes 3:00 p.m. Illinois local time for the deadline for guaranteed acceptance of an electronic tariff filing. This would not mean that submittals after 3:00 p.m. Illinois local time would not be accepted by the Chief Clerk's Office on the same date, but there would be no guarantee of acceptance on that date. If the deadline framework does not work for specific types of filings that may be more complicated, to be identified by the Chief Clerk's Office, perhaps those can be carved out of such a provision.

- b. Receipt and Acceptance: Currently, when Nicor Gas submits routine tariff filings in hard copy, the Company requests a returned date-stamped copy. From the demonstratives shown during Workshop No. 1 on the Draft e-Tariff Rule, it appears that a document accepted by the Chief Clerk's Office is contemplated to be labeled "Approved" as opposed to "Received" or "Accepted". Nicor Gas notes that there likely will be submittals under the new electronic platform where the Chief Clerk's Office may not be in the position to approve of the filing, but will be able to reflect the timely receipt and acceptance of a filing. Nicor Gas proposes that interested parties discuss the need for clarification of the proposed "Approved" designation at Workshop No. 2.
 - c. Rejection of Filing: Nicor Gas submits that the Draft e-Tariff Rule should be revised to clarify that a notice of rejection of filing will provide the basis for the rejection by the Chief Clerk's Office.
4. Signature on Tariff
- a. Nicor Gas submits that the Draft e-Tariff Rule should be revised to clarify that electronic signatures will be permitted on any electronic tariff filings.
 - b. Electronic signatures will "facilitate electronic filing of documents" with the Commission and "promote efficient delivery of government services by means of reliable electronic records" consistent with the Electronic Commerce Security Act and reflected in Staff's workshop discussion document dated September 23, 2016 (quoting 5 ILCS 175/1-105(3)).
 - c. The Electronic Commerce Security Act states that "where a rule of law requires a signature, or provides for certain consequences if a document is not signed, an electronic signature satisfies the rule of law." 5 ILCS 175/5-120.
 - d. For additional support, Nicor Gas points to the Rules of Practice and Procedure of the Federal Energy Regulatory Commission, which allow for electronic signatures as follows: "In the case of any document filed in electronic form under the provisions of this Chapter, the typed characters representing the name of a person

shall be sufficient to show that such person has signed the document for purposes of this section.” 18 CFR 385.2005(c).

5. Internal User Account

- a. Electronic Application: Nicor Gas agrees with the suggestion that the Draft e-Tariff Rule should be revised to allow for submission of the required user account application electronically. This will facilitate electronic filing and promote efficiency similar to the use of electronic signatures as discussed above.
- b. Revocation: Nicor Gas also agrees that the Draft e-Tariff Rule should include language explaining the necessary steps for revoking an existing user account.

6. What Filings are Accepted

- a. Nicor Gas submits that the Draft e-Tariff Rule should be revised to clarify that the filings to be accepted by the Chief Clerk’s Office under the new electronic filing platform will include all filings to provide notice to the Commission and the public as provided for in Section 9-201 of the Public Utilities Act, with the exception of general rate case filings. Such a revision will clarify that the filings that will be accepted are limited to monthly informational filings that impact approved tariff charges (such as Purchased Gas Adjustment, Uncollectible Expense Adjustment, and Infrastructure Cost Recovery), as well as tariff filings that are intended to modify the utility’s tariff book. As such, all filings under the new platform would be, at least initially, related to non-docketed proceedings. Nicor Gas submits that such a revision will provide needed clarity while also providing for flexibility within the new platform.
- b. Nicor Gas understands that Staff does not currently contemplate including annual reporting to the Commission as falling within the new electronic filing platform. However, Nicor Gas notes that it may be advantageous and efficient if the Chief Clerk’s Office is able in the future to electronically receive reports required by Title 83 of the Illinois Administrative Code, such as Part 220 Accident Reports, Part 280 Winter Disconnect Reports, and Part 535 Mercury Reports.

* * *

Mr. Sagone
October 4, 2016
Page 4



Nicor Gas appreciates the opportunity to submit comments regarding the Draft e-Tariff Rule and the Company looks forward to participating in continued discussions. If you have any questions about the Company's comments or need additional information, please reach out to me or anyone copied on this letter.

Sincerely,

Anne W. Mitchell
Counsel for Northern Illinois Gas Company
d/b/a Nicor Gas Company

cc: Lewis Binswanger
Bob Buckles
Emily Hickey
John Rooney